

**MINUTES FROM THE
CITY OF IONIA
CITY COUNCIL
REGULAR MEETING
Tuesday, March 6, 2007
7:00 PM, CITY HALL COUNCIL CHAMBERS**

I. Meeting was called to order at 7:00 p.m. by Mayor Balice.

II. ROLL CALL – Present: Mayor Dan Balice and Councilmembers Gordon Kelley, Kim Patrick, Jim Smith, Jeff Winters, Brenda Cowling-Cronk and Bob O'Mara. Bruce Roetman arrived at 7:02 p.m. Excused: Monica Miller.

OTHERS PRESENT – Jason Eppler, Dave Bulling, Matt Painter, Lyn Lafler, Robin Marhofer, Gary Cunningham, Chris Kenyon, Sara Jezewski.

III. OPEN PUBLIC HEARING:

Amendment to the City Code – Ordinance No. 446 – Annual Codification Ordinance

Amendment to the City Code – Ordinance No. 447 – Valley View PILOT Request (Action on the Amendment to occur at April Meeting)

IV. PUBLIC COMMENTS

Steve Fineis addressed Council regarding the Valley View PILOT request and asked that if PILOT is considered, to please consider PILOT for all rental property in the City.

Dean Barker addressed Council regarding the Valley View PILOT request by reading a statement that voiced his concerns with the PILOT.

Joe Hollander addressed Council, Mr. Fineis, and Mr. Barker on behalf of the Valley View PILOT. Mr. Hollander explained the PILOT program and why it is needed. Discussion ensued with questions from Mayor Balice and Councilmember Kelley. The questions were answered by either Mr. Hollander or Mr. Eppler. By the end of the discussion, Mr. Hollander was willing to agree to base minimal vacancy to 5 percent.

V. MONITORING INFORMATION

Motion by Patrick and Supported by Roetman

1. Approve the minutes from the Regular City Council meeting of February 6, 2007.
2. Acknowledge the minutes from the DDA meeting of February 21, 2007.
3. Approve the payroll for the pay period ending February 7, 2007 of \$109,934.16 and the pay period ending February 21, 2007 of \$111,086.34.
4. Acknowledge the Accounts Payable for the Ionia Theatre for February 2007 in the amount of \$18,674.73.
5. Acknowledge the Accounts Payable for the DDA for February 2007 in the amount of \$9,559.95.
6. Approve the Accounts Payable for the City of Ionia for January 2007 in the amount of \$421,337.83.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara.
Nays: None. Motion Carried.

VI. CLOSE PUBLIC HEARING:

Amendment to City Code – Ordinance No. 446 – Annual Codification Ordinance

Amendment to City Code – Ordinance No. 447 – Valley View PILOT Request

VII. ACTION ITEMS

1. Ionia Area Wastewater Study – Presentation by The Spicer Group

Motion by Balice and Supported by Patrick to receive and place on file the Ionia Wastewater Treatment Plant Capacity Project Study prepared by The Spicer Group.

ROLL CALL VOTE: All in favor via voice vote. Motion Carried.

2. City Code Amendment – Ordinance No. 446 – Codification

Motion by Patrick and Supported by Smith to remove from the table the matter of Ordinance No. 446 regarding the codification of City ordinances and permit the record of the March 6, 2007 meeting to reflect the second reading and adoption of the ordinance to become effective upon publication in the March 11, 2007 edition of the *Sentinel-Standard Weekender*.

CITY OF IONIA Ordinance No. 446

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH

WHEREAS, American Legal Publishing Corporation has completed its most recent updating and revision of the Codified Ordinances of the City of Ionia: and,

WHEREAS, various ordinances and resolutions of a general and permanent nature that have been passed by the City Council since the date of the last updating and revision of the Codified Ordinances (November 1, 2005) have been included in the Codified Ordinances of the City.

NOW, THEREFORE, THE CITY OF IONIA ORDAINS:

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and resolutions are hereby approved as parts of the various components codes of the Codified Ordinances of the City, so as to conform to the classifications and numbering system of the Codified Ordinances.

<u>Ord. #</u>	<u>Date</u>	<u>Codified Ordinance Section</u>
431	March 8, 2006	256.01 to 256.08, 256.10, 256.11
432	March 8, 2006	1202.02
433	March 8, 2006	214.05
434	April 21, 2006	1267.01 to 1267.05
435	June 7, 2006	Pt. 12, Title 6, Appx. II-B
438	June 7, 2006	214.05
439	Sept. 5, 2006	204.01 to 204.05, 204.99
441	Dec. 5, 2006	278.02 to 278.04, 278.07

Section 2. If any section, clause or phrase of this ordinance is declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof rather than the part so declared to be invalid.

Section 3. Based on codification practices, although Ordinance No. 436 (2005 Codification Ordinance); Ordinance No. 437 (Solid Waste Millage Ordinance) and Ordinance No. 440 (Environmental Response Millage Ordinance) were adopted since November 1, 2005 but are not included with this supplement.

Section 4. This ordinance shall be published and recorded as provided in the City Charter and shall take effect upon publication.

ROLL CALL VOTE: Ayes: Winters, Kelley, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith. Nays: None. Motion Carried.

3. Michigan Department of Transportation – Performance Resolution

Motion by Roetman and Supported by O'Mara to approve a prepared Resolution regarding permits from the Michigan Department of Transportation for the purposes of utilizing state trunkline right-of-way for utility purposes and to identify those individuals who are authorized to submit permit applications to the Department.

**CITY OF IONIA
CITY COUNCIL
MICHIGAN DEPARTMENT OF TRANSPORTATION**

PERFORMANCE RESOLUTION

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF IONIA REGARDING THE USE OF MICHIGAN DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHTS-OF-WAYS FOR UTILITIES AND MISCELLANEOUS OPERATIONS

RESOLVED:

WHEREAS, the City of Ionia, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMITS," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right-of-way at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL BODY shall take no lawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right-of-way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.
4. With respect to the activities authorized by the PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of the PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within state trunkline right-of-way on behalf of the GOVERNMENTAL BODY.

<u>Name</u>	<u>And/Or</u>	<u>Title</u>
Jason Eppler		City Manager
Gary Cunningham		Director, Dept of Public Works
Chris Kenyon		Director, Dept of Public Utilities
Steven Nichols		City Engineer

ROLL CALL VOTE: Ayes: Kelley, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters.
Nays: None. Motion Carried.

4. Audit Proposal – FY06-07

Motion by Balice and Supported by Patrick to accept the proposal from Abraham & Gaffney for completing the FY06-07 audit at a cost not to exceed \$19,900 as identified in their proposal dated February 14, 2007 and authorize the City Manager to sign the necessary contract documents.

ROLL CALL VOTE: Ayes: Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley.
Nays: None. Motion Carried.

5. City Code Amendment – Ordinance No. 448 – Parking

Motion by Patrick and Supported by O'Mara to permit the minutes of the March 6, 2007 City Council meeting to reflect the introduction and first reading of Ordinance No. 448, an ordinance to revise Chapter 440 of the City Code regarding parking, and schedule a Public Hearing on the ordinance for 7:00 pm, Tuesday, April 10, 2007 in the Council Chambers of City Hall.

ROLL CALL VOTE: Ayes: Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Balice.
Nays: None. Motion Carried.

6. Special Permit for Alcohol Possession/Consumption – HOG Rally

Motion by Roetman and Supported by Kelley to approve the request from the Michigan Harley Davidson Dealers Association for a Special Permit for Alcohol Possession and Consumption per Section 1062.07 of the City Code for July 3, 2007 to July 8, 2007 at the Ionia Free Fairgrounds and authorize the City Clerk to sign the permit.

ROLL CALL VOTE: Ayes: Roetman, Cowling-Cronk, O'Mara, Winters, Kelley, Balice. Nays: Patrick.
Abstain: Smith. Motion Carried.

7. Zoning Board of Appeals – Selection of Council Representative

Motion by Balice and Supported by Patrick to appoint Jeff Winters, to represent the City Council, Mike Kirgis, Boomer Hoppough, and Carl Gazella to the Board of Zoning Appeals.

ROLL CALL VOTE: All in favor via voice vote. Motion Carried.

8. City Code Amendment – Ordinance No. 449 – Garbage, Rubbish and Refuse

Motion by Balice and Supported by Patrick to permit the record of the March 6, 2007 Council meeting to reflect the introduction and first reading of Ordinance No. 449 regarding mandatory refuse and recycling

services in the City and schedule a Public Hearing on the amendment for 7:00 pm, Tuesday, April 10, 2007 in the Council Chambers of City Hall.

ROLL CALL VOTE: Ayes: Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Balice, Patrick, Roetman.
Nays: None. Motion Carried.

9. FY06-07 Budget Amendments

Motion by Balice and Supported by Roetman to approve the FY06-07 budget amendments dated February 2007 and authorize the City Treasurer to make the necessary adjustments to the City's financial reports.

ROLL CALL VOTE: Ayes: O'Mara, Smith, Winters, Kelley, Balice, Patrick, Roetman, Cowling-Cronk.
Nays: None. Motion Carried.

10. Dial-A-Ride Contract Re-Opener – Wages

Motion by Winters and Supported by Balice to approve an amendment to the Collective Bargaining Agreement between the City and AFSCME for Dial-A-Ride union employees increasing wages by 3% effective July 1, 2007 and 2% effective July 1, 2008.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara.
Nays: None. Motion Carried.

11. Executive Session – Discuss Strategy Association with Collective Bargaining

Motion by Balice and Supported by Patrick to enter into Executive Session an 9:14 pm for the purpose of discussing strategies associated with Collective Bargaining. All in favor via voice vote. Motion Carried.

Motion by Balice and Supported by Patrick to return to Open Session at 10:00 pm. All in favor via voice vote. Motion Carried.

VIII. INCIDENTAL INFORMATION

Councilmembers to approve accounts payables for March 15, 2007 are Winters and/or Kelley and for March 29, 2007 are Smith and/or Patrick.

IX. INFORMATION OR ACTION ON LEGAL MATTERS – Nothing to report.

X. INFORMATION FROM MAYOR AND CITY COUNCIL

Motion by Balice and Supported by Patrick to appoint Evonne Almer to the Planning Commission. All in favor via voice vote. Motion Carried.

Motion by Balice and Supported by Roetman to appoint Mark Jennings and Margaret Hybarger to the Income Tax Appeal Board. All in favor via voice vote. Motion Carried.

XI. ADJOURN

Motion by Patrick and Supported by Roetman to adjourn the Council Meeting at 10:03 pm. All in favor via voice vote. Motion Carried.

Submitted by:

Karen M. Confer
Ionia City Clerk